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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 -----x
4 UNITED STATES OF AMERICA,

5 v.

20 CR 330 (AJN)

6 GHISLAINE MAXWELL,

7 Defendant.

Jury Trial

8 -----x

New York, N.Y.
December 29, 2021
9:35 a.m.

9 Before:

HON. ALISON J. NATHAN,

District Judge

11 APPEARANCES

12 DAMIAN WILLIAMS

United States Attorney for the
Southern District of New York

13 BY: ALISON MOE

14 LARA POMERANTZ

ANDREW ROHRBACH

15 Assistant United States Attorneys

16 HADDON MORGAN AND FOREMAN

Attorneys for Defendant

17 BY: JEFFREY S. PAGLIUCA

LAURA A. MENNINGER

18 -and-

BOBBI C. STERNHEIM

19 -and-

COHEN & GRESSER

20 BY: CHRISTIAN R. EVERDELL

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(In open court; 9:35 a.m.)

THE COURT: Please be seated.

I have a note:

"May we please have the following transcripts:" Five names are listed. I'm going to be cautious because I think it includes at least one last name of someone who testified using only a first name. The first one is Shawn. The second one is Cimberly Espinosa. The third, I can't read the last name. I'm going to have counsel take a look. The fourth is Amanda Young. And the fifth is Jason Richards. So you'll start working on those.

"Also, may we have clarification regarding our schedule going forward. Are we required to continue deliberations every day, including 12/31, and 1/1, until we reach a verdict? We ask in order to plan our schedules accordingly."

And I have a juror who did raise one like couple-hour conflict, which I'll speak to counsel about at sidebar, because it's private juror information, and we can do that now while, Ms. Moe, you're gathering the materials.

MS. MOE: Yes, your Honor.

THE COURT: And I'll show you the note to identify the --

(Sidebar conference SEALED)

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(In open court)

THE COURT: Aside from the private information we discussed, I showed this note, Court Exhibit 18, to counsel, and they too can't read the third name listed well enough to be able to respond to it, so I am going to put a note to the jury asking for clarification on that. And we're gathering the other materials. And I will craft a response to the schedule issue that I'll come back and run by counsel. So I'll step down to do that. Thank you.

THE DEPUTY CLERK: All rise.

(Recess; 9:44 a.m.)

(In open court; 9:54 a.m.)

THE COURT: All right. So we brought some of the transcripts back. I sent my note back asking for clarification on the third name. And then I want you to let me know specifically how you'd like me to respond to the scheduling question. So just to read it again:

"May we have clarification regarding our schedule going forward. Are we required to continue deliberations every day, including 12/31 and 1/1/2022, until we reach a verdict? We ask in order to plan our schedules accordingly."

So my inclination is to say:

"You asked about the schedule going forward. Yes, you will continue deliberations as needed every day going forward, including," and I think -- I mean, they mentioned 12/31 and

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1 1/1. I think I should mention 1/2 as well, since that's the
2 Sunday, "until you reach a verdict."

3 Go ahead, Ms. Sternheim.

4 MS. STERNHEIM: Thank you, Judge.

5 I would just say, with regard to those holiday dates,
6 that it should be their option. This jury knows that they were
7 committed through January 15th. If for some reason they have
8 plans that are going to distract them by virtue of having to
9 cancel them, I think the option is they can if they wish, but
10 it can be continued on Monday if that is their preference.

11 THE COURT: Well, I will say, again, if anyone has any
12 unmoveable commitments or -- what have I said? If that is a
13 hardship or anyone has any unmoveable commitments, they can let
14 Ms. Williams know, but for the reasons I have indicated on the
15 record, I am going to set this schedule, regarding my concern
16 that, given the high likelihood that a necessary member of the
17 trial participants or one or more members of the jury would
18 need to quarantine for ten days should they test positive, that
19 that is a substantial delay and only increasing the risk over
20 time, and so I am, for the reasons I've indicated, greatly
21 concerned, and therefore it's my view that we need to proceed
22 every day on our schedule unless -- and they are not shy to
23 indicate -- unless they indicate it's a hardship, okay?

24 MS. STERNHEIM: You know what our preference is, but
25 of course we'll abide by your decision.

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1 THE COURT: Okay. Ms. Moe?

2 MS. MOE: Your Honor, the government completely agrees
3 that deliberations should continue absent a hardship for
4 jurors.

5 THE COURT: Okay. So I will say "as needed every day
6 going forward, including 12/31, 1/1, and 1/2, until you reach a
7 verdict. As I've indicated previously, if this schedule --"
8 let me just use the exact language I've used previously.

9 "-- if this presents a substantial hardship for anyone
10 because of unmoveable commitments, please let Ms. Williams
11 know."

12 Okay, Ms. Moe?

13 MS. MOE: Yes, your Honor. Thank you.

14 THE COURT: Ms. Sternheim?

15 MS. STERNHEIM: Thank you.

16 THE COURT: Anything else you'd like me to add?

17 MS. MOE: No, your Honor. Thank you.

18 MS. STERNHEIM: One moment, please.

19 THE COURT: Sure.

20 MS. STERNHEIM: Judge, we would just request that you
21 add that language which you've previously added about not
22 pressuring them.

23 THE COURT: Okay. I can add exactly what I've said
24 before. "Of course, by this I don't mean to pressure you in
25 any way. You should take all the time that you need."

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1 MS. STERNHEIM: Thank you.

2 MS. MOE: Yes, your Honor.

3 THE COURT: All right. So again, just to sum it up:

4 "You asked about the schedule going forward. Yes, you
5 will continue deliberations as needed every day going forward,
6 including 12/31, 1/1, and 1/2, until you reach a verdict. If
7 this presents a substantial hardship for anyone because of
8 unmoveable commitments, please let Ms. Williams know. Of
9 course, by this I don't mean to pressure you in any way. You
10 should take all the time that you need."

11 I will write that up in my best possible handwriting
12 and then we'll put that in. In the meantime, we have a note.

13 Ah. Okay. "We are requesting the transcripts of the
14 expert witness on memory." So it is Elizabeth Loftus. And
15 that will be Court Exhibit 19.

16 Okay. So you'll keep the transcripts coming. I will
17 write up that note and send it back. Anything else, counsel?

18 MS. MOE: Yes, your Honor. Just with respect to the
19 transcripts, I think --

20 THE COURT: Oh, you have --

21 MS. MOE: Just one issue with respect to the
22 transcript regarding Cimberly Espinosa. I'm going to defer to
23 my colleague on this particular issue.

24 THE COURT: Yes. Go ahead.

25 MS. POMERANTZ: Thank you, your Honor.

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1 We have two prepared versions. Really, the dispute is
2 over one set of redactions. I'm happy to pass that up to the
3 Court with both the government's proposed redactions and the
4 defense's proposed redactions and indicate where the dispute
5 lies.

6 THE COURT: Okay. I'll hear from you.

7 I don't have the unredacted version right in front of
8 me, so I see the difference in the redactions, but --

9 MS. POMERANTZ: Yes, your Honor. I think the dispute
10 is on page 2370, lines 14 to 18, and the government's view is
11 the objection was to the whole question, that there had not
12 been a predicate foundation to confirm a basis of knowledge,
13 and so I think our view is the whole response should be
14 redacted because the objection was sustained, and so I don't
15 see how a partial answer --

16 THE COURT: I need the unredacted version. My law
17 clerk is getting it for me.

18 MS. POMERANTZ: Yes, your Honor.

19 (Pause)

20 THE COURT: Right. So the issue here is that it's an
21 answer that's being objected to and not a question. The answer
22 has three parts to it. So the first part is, "They just kind
23 of went their separate ways." The question "How so?" is not
24 objected to, so that stays, at the least. The answer, "They
25 just kind of went their separate ways. Seems like Ghislaine

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1 moved on. I know that she started dating --" and then the
2 objection. That's where the objection is. And that's what I
3 sustained. So I agree with the defense's version that these
4 redactions are proper. So just clarify -- sorry. I closed it.
5 But you'll confirm the right one is going back.

6 If the question had been objected to, then the whole
7 answer would be struck. In the absence of the question being
8 objected to, it's at the point of the objection that that
9 response gets struck.

10 Anything else?

11 MR. EVERDELL: Not from the defense, your Honor.

12 THE COURT: Okay. Anything from the government?

13 MS. MOE: No, your Honor. Thank you.

14 THE COURT: All right. Thank you.

15 THE DEPUTY CLERK: All rise.

16 (Recess; 10:08 a.m.)

17 (In open court; 2:15 p.m.)

18 THE COURT: I received a note.

19 "May we please have the Larry Visoski transcript."

20 Court Exhibit 20.

21 MS. MOE: Yes, your Honor, we'll print that.

22 THE COURT: Thank you.

23 Anything else, counsel?

24 MS. MOE: Not from the government, your Honor.

25 MS. MENNINGER: No, your Honor. Thank you.

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1 THE COURT: All right. Thank you.

2 THE DEPUTY CLERK: All rise.

3 (Recess; 2:15 p.m.)

4 (In open court; 4:58 p.m.)

5 THE COURT: Please be seated.

6 We have a verdict. I'm going to bring in the jury in
7 a moment. I'm going to direct everyone in this courtroom and
8 the overflow courtrooms to remain seated, quiet, and calm
9 during the reading of the verdict. I do intend to poll the
10 jury. Anyone who is disruptive in any way will be removed by
11 the marshals and court security officers, so I assume and
12 expect everyone will behave accordingly. Thank you very much.

13 We'll bring in the jury.

14 (Jury present)

15 THE COURT: Please be seated, everyone.

16 I will ask the foreperson, Madam Foreperson, has the
17 jury reached its verdict?

18 FOREPERSON: We have.

19 THE COURT: All right. And I have received it in an
20 envelope.

21 Ladies and gentlemen of the jury, I am about to read
22 the verdict. After I do so, I'll ask each of you by your juror
23 number if this is your verdict. I will ask you to pass the
24 microphone so that you can be heard in responding to this.

25 Count One: Guilty.

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1 Count Two: Not guilty.

2 Count Three: Guilty.

3 Count Four: Guilty.

4 Count Five: Guilty.

5 Count Six: Guilty.

6 Juror No. 26, is this your verdict?

7 JUROR: Yes.

8 THE COURT: Juror No. 48, is this your verdict?

9 JUROR: Yes.

10 THE COURT: Juror No. 49, is this your verdict?

11 JUROR: Yes.

12 THE COURT: Juror No. 37, is this your verdict?

13 JUROR: Yes.

14 THE COURT: Juror No. 50, is this your verdict?

15 JUROR: Yes.

16 THE COURT: Juror No. 70, is this your verdict?

17 JUROR: Yes.

18 THE COURT: Juror No. 124, is this your verdict?

19 JUROR: Yes.

20 THE COURT: Juror No. 29, is this your verdict?

21 JUROR: Yes.

22 THE COURT: Juror No. 89, is this your verdict?

23 Okay. Juror No. 2 -- 89, is this your verdict?

24 JUROR: Yes.

25 THE COURT: Juror No. 2, is this your verdict?

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1 JUROR: Yes, your Honor.

2 THE COURT: Juror No. 119, is this your verdict?

3 JUROR: Yes, it is.

4 THE COURT: Juror No. 7, is this your verdict?

5 JUROR: Yes.

6 THE COURT: The jury is unanimous.

7 Counsel, is there any reason that I cannot dismiss
8 this jury?

9 MS. MOE: No, your Honor.

10 MS. STERNHEIM: No.

11 THE COURT: Ladies and gentlemen of the jury, I will
12 now dismiss you from your jury service in this matter. You are
13 now free to discuss this case with anyone if you like, or not
14 discuss the case if that's what you would like. If you do
15 discuss the case with anyone, you should share only your
16 experience. You should respect the privacy of the deliberation
17 process. Please do not share the views of any other jurors.

18 Furthermore, you must not reveal the names of any
19 other jurors since I have permitted you to remain anonymous,
20 nor may you reveal any information that I ordered be maintained
21 under seal, including the identities of any anonymous
22 witnesses. Those are my orders in the case.

23 All materials, notes, the instructions, everything
24 that you've left each night, all of that must remain in the
25 jury room.

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1 Members of the jury, let me say my sincere thanks on
2 behalf of the court and the parties and myself for your
3 attention, for your time, and for your service. You all served
4 with diligence, despite a demanding schedule, despite the
5 pandemic. I'm very grateful to each and every one of you for
6 your service to this court.

7 Members of the jury, thank you. You are dismissed.

8 THE DEPUTY CLERK: All rise.

9 (Jury discharged)

10 THE COURT: Please be seated.

11 The completed verdict form will be marked as Court
12 Exhibit No. 21.

13 Counsel, tell me if you'd like to set a briefing
14 schedule. Also, I would typically order the production of the
15 probation report, and we could discuss a sentencing date, but
16 I'm happy to hear from you on that, if you like.

17 MR. EVERDELL: Your Honor, as to a briefing schedule,
18 I think maybe it would make sense for us to confer and we can
19 write a letter to the Court proposing a schedule.

20 THE COURT: Okay. Would you like me to order the
21 preparation of the presentence report or to wait?

22 MS. STERNHEIM: We would request that you wait, Judge.

23 I also have a request -- I apologize -- given the
24 COVID issue, I would request that the Court endorse an order so
25 that Ms. Maxwell gets a booster. She has not received that as

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1 of yet, and the incidents of COVID are rising dramatically at
2 the facility.

3 THE COURT: My understanding -- I checked on this this
4 morning -- is that it is available at MDC, so I will certainly
5 look into it.

6 MS. STERNHEIM: Thank you.

7 THE COURT: Thank you.

8 Anything further from the government?

9 MS. MOE: No, your Honor. Thank you.

10 THE COURT: From the defense.

11 MS. STERNHEIM: No, thank you.

12 THE COURT: All right. Thank you, everyone. We are
13 adjourned.

14 THE LAW CLERK: All rise.

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